

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:11-cv-01681-BAH**

PUBLIC CITIZEN v. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES

Assigned to: Judge Beryl A. Howell  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/16/2011

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PUBLIC CITIZEN**

represented by **Adina Rosenbaum**  
PUBLIC CITIZEN LITIGATION GROUP  
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**ATTORNEY TO BE NOTICED**

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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

represented by **Carl Ezekiel Ross**  
U.S. ATTORNEY'S OFFICE  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Intervenor Defendant**

**PFIZER INC.**

represented by **Ronald J. Tenpas**  
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1111 Pennsylvania Avenue, NW

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**Intervenor Defendant**

**PURDUE PHARMA L.P.**

represented by **Lee Calligaro**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/16/2011	<u>1</u>	COMPLAINT against DEPARTMENT OF HEALTH AND HUMAN SERVICES ( Filing fee \$ 350, receipt number 4616042290) filed by PUBLIC CITIZEN. (Attachments: # <u>1</u> Civil Cover Sheet)(rdj) (Entered: 09/19/2011)
09/16/2011		SUMMONS (3) Issued as to DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 09/19/2011)
09/16/2011	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PUBLIC CITIZEN identifying Corporate Parent NONE for PUBLIC CITIZEN. (rdj) (Entered: 09/19/2011)
09/23/2011	<u>3</u>	STANDING ORDER. Signed by Judge Beryl A. Howell on September 23, 2011. (lcbah1) (Entered: 09/23/2011)
10/12/2011	<u>4</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 10/12/2011)
10/14/2011		MINUTE ORDER (paperless) granting <u>4</u> Defendant's Motion for Extension of Time. The defendant shall have until October 31, 2011 to respond to the Complaint. Signed by Judge Beryl A. Howell on October 14, 2011. (lcbah1) (Entered: 10/14/2011)
10/14/2011		Set/Reset Deadlines: Response to Complaint due by 10/31/2011. (alg) (Entered: 10/17/2011)
10/31/2011	<u>5</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Ross, Carl) (Entered: 10/31/2011)
11/15/2011	<u>6</u>	MOTION to Intervene by PFIZER INC. (Attachments: # <u>1</u> Exhibit Answer, # <u>2</u> Exhibit 7.1 Certificate)(jf, ) (Entered: 11/16/2011)
11/18/2011		MINUTE ORDER (paperless) granting <u>6</u> Pfizer Inc.'s Unopposed Motion to Intervene. The movant timely filed a motion to intervene as a defendant in this case, and has satisfied the grounds for intervention as a matter of right pursuant to Fed. R. Civ. P. 24(a). Further, neither the plaintiff nor the defendant opposes the movant's motion to intervene. Accordingly, Pfizer Inc. is hereby granted leave to intervene as a defendant in this case. Signed by Judge Beryl A. Howell on

		November 18, 2011. (lcbah1) (Entered: 11/18/2011)
11/18/2011	<u>7</u>	ANSWER to <u>1</u> Complaint by PFIZER INC..(znmw, ) (Entered: 11/21/2011)
11/18/2011	<u>8</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PFIZER INC. (znmw, ) (Entered: 11/21/2011)
11/23/2011	<u>9</u>	NOTICE of Appearance by David M. Kerr on behalf of PFIZER INC. (Kerr, David) (Entered: 11/23/2011)
11/29/2011	<u>10</u>	MOTION to Intervene by PURDUE PHARMA L.P. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Answer, # <u>3</u> Corporate Disclosure Statement)(dr) (Entered: 12/01/2011)
12/07/2011		MINUTE ORDER (paperless) granting <u>10</u> Purdue Pharma L.P.'s Unopposed Motion to Intervene. The movant timely filed a motion to intervene as a defendant in this case, and has satisfied the grounds for intervention as a matter of right pursuant to Fed. R. Civ. P. 24(a). Further, neither the plaintiff nor the defendant opposes the movant's motion to intervene. Accordingly, Purdue Pharma L.P. is hereby granted leave to intervene as a defendant in this case. Signed by Judge Beryl A. Howell on December 7, 2011. (lcbah1) (Entered: 12/07/2011)
12/07/2011	<u>11</u>	ANSWER to <u>1</u> Complaint by PURDUE PHARMA L.P.(rdj) (Entered: 12/08/2011)
12/07/2011	<u>12</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PURDUE PHARMA L.P. identifying Corporate Parent NONE for PURDUE PHARMA L.P. (rdj) (Entered: 12/08/2011)
12/15/2011	<u>13</u>	NOTICE of Appearance by Adina Rosenbaum on behalf of PUBLIC CITIZEN (Rosenbaum, Adina) (Entered: 12/15/2011)
12/22/2011	<u>14</u>	Unopposed MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Julie A. Murray, :Firm– Public Citizen Litigation Group, :Address– 1600 20th St NW, Washington, DC 20009. Phone No. – 202–588–1000. Fax No. – 202–588–7795 by PUBLIC CITIZEN (Attachments: # <u>1</u> Declaration of Julie A. Murray, # <u>2</u> Text of Proposed Order)(Zieve, Allison) (Entered: 12/22/2011)
12/22/2011	<u>15</u>	Joint MOTION for Briefing Schedule by DEPARTMENT OF HEALTH AND HUMAN SERVICES, PFIZER INC., PUBLIC CITIZEN, PURDUE PHARMA L.P. (Attachments: # <u>1</u> Text of Proposed Order)(Kerr, David) (Entered: 12/22/2011)
12/23/2011		MINUTE ORDER (paperless) granting <u>14</u> Motion for Leave to Appear Pro Hac Vice. Julie A. Murray is granted leave to appear pro hac vice. Signed by Judge Beryl A. Howell on 12/23/2011. (lcbah2) (Entered: 12/23/2011)
12/23/2011		MINUTE ORDER (paperless) granting <u>15</u> Joint Motion for Briefing Schedule. The defendant shall file a Vaughn index by March 6, 2012. The defendant shall file its motion for summary judgment by April 5, 2012. Each defendant–intervenor shall file its motion for summary judgment by April 12, 2012. The plaintiff shall file its opposition to any motion for summary judgment filed by the defendant or defendant–intervenor and its cross–motion for summary judgment by May 14, 2012. Each defendant and defendant–intervenor shall file a combined reply memorandum in support of any motion for summary judgment and its opposition to plaintiff's cross–motion for summary judgment by June 13, 2012. The plaintiff shall file a reply memorandum in support of its cross–motion for summary judgment by July 13, 2012. Signed by Judge Beryl A. Howell on 12/23/2011. (lcbah2) (Entered: 12/23/2011)
12/23/2011		Set/Reset Deadlines: The defendant shall file a Vaughn index by 3/06/2012; The defendant shall file its motion for summary judgment by 4/05/2012; Each defendant–intervenor shall file its motion for summary judgment by 4/12/2012; The plaintiff shall file its opposition to any motion for summary judgment filed by the defendant or defendant–intervenor and its cross–motion for summary judgment by 5/14/2012; Each defendant and defendant–intervenor shall file a combined reply memorandum in support of any motion for summary judgment and its opposition to plaintiff's cross–motion for summary judgment by 6/13/2012; The plaintiff shall file a reply memorandum in support of its cross–motion for summary

		judgment by 7/13/2012. (ad) (Entered: 12/23/2011)
12/29/2011	<u>16</u>	Mail Returned as undeliverable. sent to Ronald J. Tenpas; Type of Document Returned: 12/7/11 Minute Order; Resent at new address: No new address on file. (alp) (Entered: 12/29/2011)
03/07/2012	<u>17</u>	Unopposed MOTION for Extension of Time to File <i>Vaughn Index</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 03/07/2012)
03/07/2012	<u>18</u>	<i>Vaughn Index of Withheld Pfizer Inc. Documents.</i> (Ross, Carl) (Entered: 03/07/2012)
03/07/2012	<u>19</u>	<i>Vaughn Index of Withheld Purdue Pharma L.P. Documents.</i> (Ross, Carl) (Entered: 03/07/2012)
03/08/2012		MINUTE ORDER (paperless) granting <u>17</u> Unopposed Motion for Extension of Time to File Vaughn Index. Signed by Judge Beryl A. Howell on March 8, 2012. (lcbah1) (Entered: 03/08/2012)
04/04/2012	<u>20</u>	NOTICE of Appearance by Julie A. Murray on behalf of PUBLIC CITIZEN (Murray, Julie) (Entered: 04/04/2012)
04/05/2012	<u>21</u>	Consent MOTION for Extension of Time to File <i>Summary Judgment / Motion to Extend Briefing Schedule</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 04/05/2012)
04/06/2012		MINUTE ORDER (paperless) granting <u>21</u> Defendant's Consent Motion for Extension of Time / Motion to Extend Briefing Schedule. The defendant shall file its motion for summary judgment by April 12, 2012. Each defendant-intervenor shall file its motion for summary judgment by April 19, 2012. The plaintiff shall file its opposition to any motion for summary judgment filed by the defendant or defendant-intervenors and its cross-motion for summary judgment by May 21, 2012. Each defendant and defendant-intervenor shall file a combined reply memorandum in support of any motion for summary judgment and its opposition to plaintiff's cross-motion for summary judgment by June 20, 2012. The plaintiff shall file a reply memorandum in support of its cross-motion for summary judgment by July 20, 2012. Signed by Judge Beryl A. Howell on April 6, 2012. (lcbah1) (Entered: 04/06/2012)
04/06/2012		Reset Deadlines: Summary Judgment motions due by 4/12/2012. Response to Motion for Summary Judgment due by 5/21/2012. Reply to Motion for Summary Judgment due by 6/20/2012. Responses due by 7/20/2012 (tj ) (Entered: 04/06/2012)
04/12/2012	<u>22</u>	MOTION for Summary Judgment by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit 1 – 3, # <u>2</u> Exhibit 4 – 6, # <u>3</u> Text of Proposed Order)(Ross, Carl) (Entered: 04/12/2012)
04/19/2012	<u>23</u>	MOTION for Summary Judgment by PFIZER INC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Kerr, David) (Entered: 04/19/2012)
04/19/2012	<u>24</u>	MOTION for Joinder in <i>Defendant Department of Health and Human Services' Motion for Summary Judgment</i> by PURDUE PHARMA L.P. (Calligaro, Lee) (Entered: 04/19/2012)
05/11/2012	<u>25</u>	MOTION for Extension of Time to File <i>Cross-Motion for Summary Judgment and Opposition to Defendant's and Defendant-Intervenors' Motions for Summary Judgment / Motion to Extend Briefing Schedule</i> by PUBLIC CITIZEN (Attachments: # <u>1</u> Text of Proposed Order)(Murray, Julie) (Entered: 05/11/2012)
05/14/2012		MINUTE ORDER (paperless) granting <u>25</u> Plaintiff's Unopposed Motion for Extension of Time / Motion to Extend Briefing Schedule. The plaintiff shall file its cross-motion for summary judgment and its opposition to the defendant's and defendant-intervenors' motions for summary judgment by May 31, 2012. Each defendant and defendant-intervenor shall file a combined reply memorandum in

		support of its motion for summary judgment and opposition to plaintiff's cross-motion for summary judgment by July 2, 2012. The plaintiff shall file a reply memorandum in support of its cross-motion for summary judgment by August 1, 2012. Signed by Judge Beryl A. Howell on May 14, 2012.(lcbah1) (Entered: 05/14/2012)
05/16/2012		Reset Deadlines: Cross Motions due by 5/31/2012; Response to Cross Motions due by 7/2/2012; Reply to Cross Motions due by 8/1/2012. (tj ) Modified on 5/16/2012 (jf, ). (Entered: 05/16/2012)
05/31/2012	<u>26</u>	Cross MOTION for Summary Judgment by PUBLIC CITIZEN (Attachments: # <u>1</u> Exhibit Declaration of Sidney Wolfe, # <u>2</u> Exhibit Declaration of Aaron Kesselheim, # <u>3</u> Exhibit Declaration of Julie A. Murray, # <u>4</u> Exhibit Declaration of Kevin Rodondi, # <u>5</u> Text of Proposed Order)(Murray, Julie) (Entered: 05/31/2012)
05/31/2012	<u>27</u>	Memorandum in opposition to re <u>22</u> MOTION for Summary Judgment, <u>23</u> MOTION for Summary Judgment, <u>24</u> MOTION for Joinder in <i>Defendant Department of Health and Human Services' Motion for Summary Judgment</i> filed by PUBLIC CITIZEN. (Attachments: # <u>1</u> Exhibit Declaration of Sidney Wolfe, # <u>2</u> Exhibit Declaration of Aaron Kesselheim, # <u>3</u> Exhibit Declaration of Julie A. Murray, # <u>4</u> Exhibit Declaration of Kevin Rodondi, # <u>5</u> Text of Proposed Order)(Murray, Julie) (Entered: 05/31/2012)
07/02/2012	<u>28</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION for Summary Judgment, <u>26</u> Cross MOTION for Summary Judgment, <u>23</u> MOTION for Summary Judgment, <u>24</u> MOTION for Joinder in <i>Defendant Department of Health and Human Services' Motion for Summary Judgment</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 07/02/2012)
07/03/2012		MINUTE ORDER (paperless) granting <u>28</u> Defendant's Consent Motion for Extension of Time/Motion to Extend the Briefing Schedule. The defendant and each defendant intervenor shall file their Reply and their Opposition to the plaintiff's Cross-Motion for Summary Judgment by July 6, 2012. The plaintiff shall file its Reply by August 13, 2012. Signed by Judge Beryl A. Howell on July 3, 2012. (lcbah1) (Entered: 07/03/2012)
07/05/2012		Set/Reset Deadlines: Defendant and each defendant intervenor's reply and opposition to plaintiff's cross motion for summary judgment due by 7/6/2012. Plaintiff's reply due by 8/13/2012. (tg, ) (Entered: 07/05/2012)
07/06/2012	<u>29</u>	Memorandum in opposition to re <u>26</u> Cross MOTION for Summary Judgment / <i>Reply in Support of Defendant's Motion for Summary Judgment</i> filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Response to Plaintiff's Statement of Facts)(Ross, Carl) (Entered: 07/06/2012)
07/06/2012	<u>30</u>	NOTICE ( <i>Submission in Support of Defendant's Motion for Summary Judgment and Opposition to Plaintiff's Cross Motion for Summary Judgment</i> ) by PURDUE PHARMA L.P. re <u>29</u> Memorandum in Opposition, (Calligaro, Lee) (Entered: 07/06/2012)
07/06/2012	<u>31</u>	Memorandum in opposition to re <u>26</u> Cross MOTION for Summary Judgment <i>and Reply in Support of Defendant's Motion for Summary Judgment</i> filed by PFIZER INC.. (Kerr, David) (Entered: 07/06/2012)
07/06/2012	33	REPLY to opposition to motion re <u>22</u> MOTION for Summary Judgment filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (See Docket Entry <u>29</u> to view document. Counsel is instructed to docket the reply as a separate docket entry in the future)(rdj) (Entered: 07/10/2012)
07/09/2012	<u>32</u>	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by PFIZER INC.. (Kerr, David) (Entered: 07/09/2012)
08/13/2012	<u>34</u>	REPLY to opposition to motion re <u>26</u> Cross MOTION for Summary Judgment filed by PUBLIC CITIZEN. (Attachments: # <u>1</u> Exhibit Supplemental Declaration of Julie A. Murray)(Murray, Julie) (Entered: 08/13/2012)